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July 11, 2023

**VIA ECF**

Honorable José R. Almonte, U.S.M.J.  
 U.S. District Court for the District of New Jersey  
 Martin Luther King Building & U.S. Courthouse  
 50 Walnut Street  
 Newark, New Jersey 07102

**RE: Pacira Pharmaceuticals, Inc. et al. v. eVenus Pharmaceuticals Labs. Inc., et al.**  
**No. 2:21-cv-19829-MCA-JRA**

Dear Judge Almonte:

We, together with Goodwin Procter LLP, represent Defendants in the above-referenced matter. We write on behalf of Plaintiffs and Defendants (collectively, "the Parties") to respectfully request that the Court amend the Scheduling Order (Doc. 86), as proposed below.

Due to witness and attorney availability, the Parties have agreed on certain dates for fact depositions falling outside the scheduled close of fact discovery on June 16, 2023. Certain fact depositions have been scheduled for completion by July 22, 2023.<sup>1</sup> The Parties also have a few outstanding disputes as to other fact witnesses and related discovery, and hope to resolve those issues without Court intervention. No other fact discovery will be permitted during this period without the consent of the Parties or leave of the Court. For clarity, the Parties are not permitted to serve any additional deposition notices or written discovery requests.

The Parties have agreed on the extension of expert discovery and pre-trial deadlines, as set forth below.

Event	Current Date	Proposed Amended Date
Completion of identified fact discovery (set forth above)	June 16, 2023	July 22, 2023
Opening expert reports on issues for which the party bears the burden of proof	July 14, 2023	August 10, 2023

<sup>1</sup> Specifically, the following depositions are currently scheduled for completion by July 22, 2023: Anthony Molloy (Pacira); Alessandra Lobbia (Pacira); Paige Davis (Pacira); Jane Dai (Knobbe outside patent prosecution counsel for Pacira).

Event	Current Date	Proposed Amended Date
Rebuttal expert reports (Plaintiffs' rebuttal expert reports shall include any disclosure regarding secondary considerations)	August 25, 2023	September 14, 2023
Reply expert reports (including, but not limited to, Defendants' response regarding secondary considerations)	September 29, 2023	October 19, 2023
Close of expert discovery	October 27, 2023	November 14, 2023
Deadline for Filing Pretrial Order	November 10, 2023	January 9, 2024 (or as otherwise set by the Court)
Final Pretrial Conference	November 17, 2023	January 16, 2024 (or as otherwise set by the Court)
Bench Trial	February 6, 2024	No change
30-Month Stay Ends	July 1, 2024 (20 mL strength and 10 mL strength)	No change

If the requested amended schedule herein meets with the Court's approval, we respectfully request that Your Honor execute the "So Ordered" provision below and have this letter entered on the docket. Should the Court find it helpful, the Parties can be available for a telephone conference at the Court's earliest convenience.

\* \* \*

The parties thank the Court for its attention to these matters.

Respectfully submitted,

/s/ William Murtha  
WILLIAM P. MURTHA

Cc: Counsel of Record (via ECF)

The proposed schedule modifications herein are  
**SO ORDERED** on 12th of July, 2023.

  
Hon. José R. Almonte, U.S.M.J.